S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4706/2007
(Smt. Sushila Devi Vs. State of Rajasthan)

DATE OF ORDER : 21/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Amitabh Acharya for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

The petitioner seeks anticipatory bail for the offences under Sections 341, 323 IPC and Section 3 (1) (x) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter). The offences under Sections 341 and 323 IPC are bailable. So far as the power under Section 438 Cr.P.C. is concerned, Section 18 of the Act takes away such powers.

In this view of the matter, let the petitioner surrender before the Special Judge, SC/ST Cases, Bikaner on 25.9.2007 and if the petitioner surrenders and moves a regular bail application, the concerned Court may enlarge the petitioner on bail on the terms and conditions which the Court thinks fit.

The bail application is accordingly disposed of.

(H.R.PANWAR), J.

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